

**APPROVED/3/29/07**  
**VIRGINIA BOARD OF PHARMACY**  
**MINUTES OF SPECIAL CONFERENCE COMMITTEE**  
**INFORMAL CONFERENCE COMMITTEE**

Thursday, March 8, 2007  
Fifth Floor  
Conference Room 1

Department of Health Professions  
6603 West Broad Street  
Richmond, Virginia 23230

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**CALL TO ORDER:** A meeting of a Special Conference Committee of the Board of Pharmacy was called to order at 9:00 a.m.

**PRESIDING:** Leo Ross, Committee Chairman

**MEMBERS PRESENT:** Bobby Ison

**STAFF PRESENT:** Cathy M. Reiniers-Day, Deputy Executive Director

**MARK R. OLIVEIRA**  
License #0202-011107

Mark R. Oliveira appeared with Linda Kleiner, HPIP Case Manager, to discuss his petition for reinstatement of his pharmacist license and to review allegations that he may have violated portions of the Board's laws and regulations as stated in the February 9, 2007 Notice.

Amanda E. Mitchell, DHP Adjudication Specialist, was also present as staff for this conference.

**Closed Meeting:** Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Mark R. Oliveira. Additionally, he moved that Cathy Reiniers-Day and Amanda Mitchell attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

**Reconvene:** Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

**Decision:** After consideration of the evidence and statements

concerning the allegations, Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that the Committee makes the findings of fact, conclusions of law and sanctions as stated in Attachment 1.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Mr. Oliveira unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Oliveira within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

JAY R. JOSHI  
Registration #0203-011547

Jay R. Joshi appeared with Mary Ann Kirkpatrick, Ph.D, Assistant Dean and Associate Professor, Bernard J. Dunn School of pharmacy, to discuss his petition for reinstatement of his pharmacy intern registration as stated in the February 12, 2007 Notice.

Amanda Mitchell, Adjudication Specialist, was also present as staff for this conference.

Closed Meeting:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Jay R. Joshi. Additionally, he moved that Cathy Reiniers-Day and Amanda Mitchell attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that the

Committee makes the findings of fact, conclusions of law and sanctions as stated in Attachment 2.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Mr. Joshi unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Joshi within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

HEATHER BRANDO  
Registration #0230-003375

Heather Brando appeared to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy technicians as stated in the February 12, 2007 Notice.

Ms. Mitchell was also present as staff for this conference.

Closed Session:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Heather Brando. Additionally, he moved that Cathy Reiniers-Day and Amanda Mitchell attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, to close this case with no violations.

PAMELA W. FUHRMAN

Pamela W. Fuhrman appeared to discuss allegations that

License #0202-006983

she may have violated certain laws and regulations governing the practice of pharmacy as stated in the February 22, 2007 Notice.

Charles R. Calton, DHP Adjudication Specialist, was also present as staff for this conference.

Closed Session:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Heather Brando. Additionally, he moved that Cathy Reiniers-Day and Charles Calton attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Ison moved, and the Committee voted 2-0 in favor of the motion, to close this case with no violations.

ADJOURN:

With all business concluded, the meeting adjourned at 5:10 p.m.

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Cathy M. Reiniers-Day  
Deputy Executive Director

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Leo H. Ross, Chair

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Date

Attachment 1  
Minutes - Board of Pharmacy  
Special Conference Committee  
March 8, 2007

Mark R. Oliveira

Findings of Fact and Conclusions of Law:

- Mark R. Oliveira previously held license number 0202-011107 issued by the Board to practice pharmacy in the Commonwealth of Virginia that was summarily suspended by the Board pursuant to an Order entered October 22, 2004, in accordance with § 54.1-2408.1 of the Code. Mr. Oliveira subsequently signed a Consent Order entered December 14, 2004, that indefinitely suspended said license.
- Mr. Oliveira is in violation of § 54.1-3316(3) and (4) of the Code in that as stated to a Department of Health Professions ("DHP") investigator on October 3, 2006, he suffers from, and is receiving treatment for, a substance abuse condition that may render him unsafe or incompetent to practice pharmacy.
- Mr. Oliveira violated § 54.1-3316(2) and § 54.1-3315(1) of the Code in that pursuant to an Order entered December 7, 2006, he was convicted in the Circuit Court of the City of Fredericksburg, Virginia, of six (6) counts of misdemeanor prescription fraud, a crime of moral turpitude. He was sentenced to twelve (12) months incarceration on each charge, with all time suspended and payment of court costs and fines due within six (6) months of the entry of the Order. Mr. Oliveira stated to the Committee that he has made restitution and has paid all court costs and fines.
- On or about August 12, 2006, the Board received Mr. Oliveira's application to reinstate his pharmacist license wherein he submitted certificates for thirty (30) contact hours of continuing pharmacy education as required for the two previous renewal years.
- Mr. Oliveira initially contracted with the Health Practitioners' Intervention Program ("HPIP") in December 2004; however, due to his delay in entering treatment, he was dismissed on or about February 18, 2005, for noncompliance with his contract. Subsequently, he was court-ordered into HPIP and signed a Participation Contract on November 29, 2005, with a Recovery Monitoring Contract being signed on March 27, 2006. Linda Kleiner, HPIP case manager, appeared on Mr. Oliveira's behalf and reported that he has been compliant with his contract and advocated for the reinstatement of his license to practice pharmacy.
- Mr. Oliveira stated to the DHP investigator that he entered Williamsburg Place/William J. Farley Center in Williamsburg, Virginia on January 9, 2006, and successfully completed treatment on April 7, 2006.
- Mr. Oliveira stated to the Committee that his sobriety date was January 6, 2006. He also

stated that he submits to random urine drug screens, with no positive drug screens to date, and currently attends individual and group therapy with Elaine Wescoat, LPC, LSATP. Further, Mr. Oliveira further stated that he attends Aftercare, Alcoholics Anonymous and Caduceus meetings.

- This matter is properly before the Board and it is within their sound discretion to grant or deny Mr. Oliveira's petition.

### Sanction

- upon receipt of documentation from Mark R. Oliveira that he has completed fifteen (15) continuing pharmacy education hours to renew his pharmacist license for 2007, and the renewal fee of \$50, the license of Mark R. Oliveira to practice pharmacy in the Commonwealth of Virginia shall be REINSTATED on PROBATION, subject to the following terms and conditions:

- Mr. Oliveira's probation shall run concurrently with the time that he is under contract with HPIP, and he shall comply with all terms and conditions for the period specified in the Contract. Mr. Oliveira shall be noticed to appear at an administrative hearing at such time as the Board is notified that:

- Mr. Oliveira is not in compliance with the terms and conditions specified by the HPIP, or has been terminated from participation in HPIP, or
- There is a pending investigation or unresolved allegations against Mr. Oliveira involving a violation of law, regulation or any term or condition of this Order, or,
- Mr. Oliveira has successfully completed the above-referenced period of participation in the HPIP. Upon receipt of evidence of Mr. Oliveira's participation in and compliance with the HPIP, the Committee, at its discretion, may waive Mr. Oliveira's appearance before the Committee, and conduct an administrative review of this matter.

- All reports required by this Order shall be submitted in writing to the Board office with the first report being received no later than thirty (30) days following the date that this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December, until the period of probation ends. Mr. Oliveira is fully responsible for ensuring that required reports are properly submitted and received by the Board in a timely manner.

- Mr. Oliveira shall not be pharmacist-in-charge ("PIC") during the probationary period.
- Mr. Oliveira shall submit quarterly self-reports that must include his current address and current employment, if any.
- Mr. Oliveira shall maintain a course of conduct commensurate with the requirements of Chapters 33 and 34, Title 54.1 of the Code. Any violation of these terms of probation, or of any law or regulation affecting the practice of pharmacy in the Commonwealth of Virginia, shall constitute grounds for the suspension or revocation of his license and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

Jay R. Joshi

Findings of Fact and Conclusions of Law:

- Jay R. Joshi previously held registration number 0203-011547 issued by the Board to practice as a pharmacy intern in the Commonwealth of Virginia, which became invalid, pursuant to 18 VAC 110-20-40(C) of the Regulations, when he was dismissed from the Bernard J. Dunn School of Pharmacy, Winchester, Virginia, on March 31, 2006.
- Mr. Joshi violated § 54.1-3316(4) of the Code in that on or about March 24, 2006, during an interview with a Department of Health Professions' ("DHP") investigator, he stated that he had submitted to a drug screen for a prospective employer and tested positive for cocaine. Subsequently, on or about October 19, 2006, during an interview with the DHP investigator, he stated that he had received and successfully completed outpatient treatment at Bridging the Gaps, Inc., Winchester, Virginia. Mr. Joshi stated to the Committee, that during his treatment, he submitted to random drug screens with all negative results. He also stated that he has not used drugs since the above-referenced positive drug screen.
- On or about September 18, 2006, the Board received Mr. Joshi's application to reinstate his pharmacy intern registration.
- Mary Ann Kirkpatrick, Ph.D, Assistant Dean and Associate Professor at Bernard J. Dunn School of Pharmacy, appeared on Mr. Joshi's behalf, and stated that he was readmitted to the college on or about August 7, 2006, and advocated for the reinstatement of his pharmacy intern registration.
- This matter is properly before the Board and it is within their sound discretion to grant or deny Mr. Joshi's petition.

Sanction

- The registration of Jay R. Joshi is REINSTATED.